

State of Arizona
Senate
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2009

Senate Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

CHAPTER 21

SENATE BILL 1009

AN ACT

AMENDING SECTION 41-619.55, ARIZONA REVISED STATUTES; RELATING TO THE BOARD
OF FINGERPRINTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-619.55, Arizona Revised Statutes, is amended to
3 read:

4 41-619.55. Good cause exceptions; expedited review; hearing;
5 revocation

6 A. The board shall determine good cause exceptions. The board shall
7 determine a good cause exception after an expedited review or after a good
8 cause exception hearing. The board shall conduct an expedited review within
9 twenty days after receiving an application for a good cause exception.

10 B. Within forty-five days after conducting an expedited review, the
11 board shall hold a good cause exception hearing if the board determines that
12 the applicant does not qualify for a good cause exception under an expedited
13 review but is qualified to apply for a good cause exception and the applicant
14 submits an application for a good cause exception within the time limits
15 prescribed by rule.

16 C. When determining whether a person is eligible to receive a good
17 cause exception under an expedited review, the board shall consider whether
18 the person has shown to the board's satisfaction that the person is not
19 awaiting trial on or has not been convicted of committing any of the offenses
20 listed in section 41-1758.03, subsection B or that the person is successfully
21 rehabilitated and is not a recidivist. Before granting a good cause
22 exception under an expedited review, the board shall consider all of the
23 criteria listed in subsection E of this section.

24 D. The following persons shall be present during good cause exception
25 hearings:

26 1. The board or its hearing officer.

27 2. The person who requested the good cause exception hearing. The
28 person may be accompanied by a representative at the hearing.

29 E. The board may grant a good cause exception at a hearing if the
30 person shows to the board's satisfaction that the person is not awaiting
31 trial on or has not been convicted of committing any of the offenses listed
32 in section 41-1758.03, subsection B or that the person is successfully
33 rehabilitated and is not a recidivist. Notwithstanding any other law, the
34 board may require applicants to disclose evidence regarding substantiated
35 allegations of child OR VULNERABLE ADULT abuse or neglect for consideration
36 in determining an applicant's successful rehabilitation. IF THE APPLICANT
37 FAILS TO APPEAR AT THE HEARING WITHOUT GOOD CAUSE, THE BOARD MAY DENY A GOOD
38 CAUSE EXCEPTION. The board shall grant or deny a good cause exception within
39 eighty days after the good cause exception hearing. Before granting a good
40 cause exception at a hearing the board shall consider all of the following in
41 accordance with board rule:

42 1. The extent of the person's criminal record.

43 2. The length of time that has elapsed since the offense was
44 committed.

45 3. The nature of the offense.

- 1 4. Any applicable mitigating circumstances.
- 2 5. The degree to which the person participated in the offense.
- 3 6. The extent of the person's rehabilitation, including:
- 4 (a) Completion of probation, parole or community supervision.
- 5 (b) Whether the person paid restitution or other compensation for the
- 6 offense.
- 7 (c) Evidence of positive action to change criminal behavior, such as
- 8 completion of a drug treatment program or counseling.
- 9 (d) Personal references attesting to the person's rehabilitation.
- 10 F. If the board grants a good cause exception to a person, the board
- 11 shall request in writing that the department of public safety issue a
- 12 fingerprint clearance card to the person.
- 13 G. The board's staff, under the direction of the executive director of
- 14 the board, shall review reports it receives of the arrest, charging or
- 15 conviction of a person for offenses listed in section 41-1758.03 who
- 16 previously received a fingerprint clearance card. Except as provided by
- 17 subsection J of this section, the executive director shall report any arrest,
- 18 charge or conviction of a prohibited crime to the state agencies listed on
- 19 the applicant's fingerprint clearance card application.
- 20 H. The board may request in writing that the department of public
- 21 safety revoke a person's fingerprint clearance card pursuant to section
- 22 41-1758.04 if the person received a fingerprint clearance card and the person
- 23 is subsequently convicted of an offense listed in section 41-1758.03,
- 24 subsection B or C.
- 25 I. Pending the outcome of a good cause exception determination, the
- 26 board or its hearing officer may issue interim approval in accordance with
- 27 board rule to continue working to a good cause exception applicant.
- 28 J. If the board's staff, under the direction of the executive
- 29 director, receives a report of an arrest, charging or conviction of a
- 30 prohibited crime for a person who previously received a fingerprint clearance
- 31 card pursuant to section 15-1881, the executive director shall not report
- 32 this information to the state agency that is listed on the applicant's
- 33 fingerprint clearance card application but shall notify the person issued the
- 34 fingerprint clearance card of the report.
- 35 K. The board is exempt from ~~title 41,~~ chapter 6, article 10 OF THIS
- 36 TITLE.
- 37 L. A person who is required to obtain a fingerprint clearance card
- 38 pursuant to section 41-619.52 is not eligible to receive a good cause
- 39 exception pursuant to this section.

APPROVED BY THE GOVERNOR JULY 9, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 9, 2009.